

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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DANIEL ACKERMAN,

Plaintiff,

**AMENDED COMPLAINT AND  
JURY DEMAND**

Case No. 1:23-cv-06952-KPF

- against -

NOAH PINK, APPLE INC.,  
ACCESS INDUSTRIES, INC.,  
AI PRODUCTIONS LTD.,  
MARV STUDIOS LTD.,  
FB COMMISSIONING LTD.,  
MAYA ROGERS, THE TETRIS COMPANY,

Defendants.  
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Plaintiff Daniel Ackerman (“Plaintiff” or “Ackerman”) by and through his undersigned attorneys, The Landau Group, PC, as and for his Amended Complaint against Defendants NOAH PINK, APPLE INC., ACCESS INDUSTRIES, INC., AI PRODUCTIONS LTD., MARV STUDIOS LTD., FB COMMISSIONING LTD., MAYA ROGERS, THE TETRIS COMPANY (collectively “Defendants”), alleges as follows:

**I. PRELIMINARY STATEMENT.**

1. The movie entitled “Tetris” demonstrated the confiscation of Dan Ackerman’s original work and creation of his book “The Tetris Effect.”

2. Plaintiff Ackerman’s book took a unique approach to writing about the real history of Tetris, as it not only applied the historical record, but also layered his own original research and ingenuity to create a compelling narrative non-fiction book in the style of a Cold War spy thriller.

3. Mr. Ackerman's literary masterpiece, unlike other articles and writings, dispelled of the emphasis on the actual gameplay and fans, and instead concentrated on the surrounding narrative, action sequences, and adversarial relationship between the players.

4. This was the identical approach Defendants adopted for the Tetris Film, without notable material distinction, but often resonating the exact same feel, tone, approach, and scenes as the book introduced several years prior.

5. As demonstrated herein, it becomes readily apparent that the Tetris film is substantially similar in almost all material respects including specific scenes, chapters and pages of said book that were simply adopted from the book to the film, without Plaintiff's knowledge, authorization, or consent.

## **II. JURISDICTION AND VENUE.**

6. The court has original jurisdiction over this action under 17 U.S.C. § 501, et seq., and 28 U.S.C. §§ 1338(a).

7. Venue in this district is proper under 28 U.S.C. § 1391(b) in that a substantial part of the events giving rise to the within claims occurred in this judicial district, and under 28 U.S.C. § 1400(b) in that it is a judicial district where defendant has committed acts of copyright infringement and had a regular and established place of business. Venue and jurisdiction is also proper in this Court because Plaintiff and co-Defendant ACCESS INDUSTRIES, INC. are residents of New York.

## **III. PARTIES.**

8. Plaintiff Dan Ackerman is a renowned technology and video game journalist, and has written about technology and video games for numerous publications and is a regular technology expert on various media outlets. Currently, Mr. Ackerman is Editor-in-Chief of noted tech news

and reviews website Gizmodo. Prior to that, he was a long-time Editorial director at CNET, where he led a team covering the vast personal technology industry. Mr. Ackerman also appears frequently as a commentator and long-time in-house tech expert on CBS Mornings.

9. Upon information and belief, Defendant Noah Pink is a Canadian citizen and purported screenwriter, and currently resides in Toronto, Ontario. When Mr. Ackerman created and published his book *The Tetris Effect*, Mr. Pink was unknown within the film industry and had no screenwriting credits to his name.

10. Defendant Pink has been credited as the screenwriter for the Tetris film.

11. Defendant APPLE INC. is a Delaware Corporation with corporate offices in multiple countries and major US cities, including New York. Apple is the platform and distributor for the Tetris film, and continues to show the Tetris film on its Apple TV platform in violation of Mr. Ackerman's copyright.

12. Co-Defendant ACCESS INDUSTRIES, INC is a New York corporation and resident of New York conducting business and maintaining an office in New York City with a registered office at 80 State Street, Albany, New York 12207, and principal corporate offices at 730 Fifth Ave, 20th Floor, New York, New York 10019. Access Industries is one of the producers for the Tetris film.

13. Upon information and belief, Defendant AI PRODUCTIONS LTD. is a subsidiary of Access Industries, with offices at 28 Church Road, Stanmore, Middlesex, England HA7 4XR. AI Productions is one of the producers for the Tetris film.

14. Defendant MARV STUDIOS LTD. is an English private limited company with a registered office address at 11 Portland Mews, London, England, W1F 8JL, and conducting

business with a fair amount of permanency and presence in New York. Marv Studios is one of the producers for the Tetris film.

15. Defendant FB COMMISSIONING LTD. is an English private limited company with a registered office address at 11 Portland Mews, London, England, W1F 8JL, and conducting business with a fair amount of permanency and presence in New York. FB COMMISSIONING is one of the producers for the Tetris film.

16. Defendant The Tetris Company is a Nevada corporation formed on November 27, 2018 with a Registered Office at 9788 GILESPIE STREET, SUITE 418, LAS VEGAS, NV, 89183. The Tetris Company is the manager and licensor for the Tetris brand to third parties.

17. Maya Rogers is a resident of Hawaii and Nevada, and is the CEO of the Tetris Company. Ms. Rogers is also an Executive Producer on the Tetris Film.

#### **IV. STATEMENT OF FACTS.**

##### **a. History and Creation of The Tetris Effect.**

18. Beginning between March and April 2014, Mr. Ackerman began the creative process for his book “The Tetris Effect: The Game That Hypnotized The World.”<sup>1</sup>

19. In an email to his literary agent Kristen Neuhaus, Mr. Ackerman drafted a list of non-fiction book ideas that included what would become his book on Tetris and its association to the Soviet Union and media baron Robert Maxwell. Also, included in this email were references to how compelling of a story his book idea was, and its potential audience.

20. In this initial outline for the Tetris Effect, the roadmap for Mr. Ackerman’s book took shape, including its compelling narrative that would focus on the connection to the USSR and the global fight to obtain the rights to Tetris.

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<sup>1</sup> The subheading for the UK edition was “The Tetris Effect: The Cold War Battle for the World’s Most Addictive Game.”

21. This idea would turn into Mr. Ackerman's book the Tetris Effect, and form the basis of the Tetris movie.

22. In an email drafted on or about April 24, 2014, Plaintiff Ackerman sent to his agent, Ms. Neuhaus, a consolidated list of the main historical figures Mr. Ackerman would highlight in his book on Tetris, and a roadmap as to how numerous characters and events that would be portrayed in the book.

23. The characters, story, presentation and underlining themes as observed in the Tetris film, were substantially similar, if not identical, to those proffered and included at the heart of Mr. Ackerman's book several years before.

24. For instance, on April 28, 2014, Mr. Ackerman sent an email to Ms. Neuhaus and provided an overview of the characters of the book, with character sketches. Said characters and sketches would shape the main characters of Mr. Ackerman's book, as well as the main character in the Tetris film.

25. On or about May 2, 2014, Mr. Ackerman had already drafted a seven (7) page overview of his Tetris story, including his focus on Cold War intrigue and placing an outsized role on the Russian government organization ELORG; a unique focus again copied by the film and a climatic "three-way race to Moscow between Rogers, Maxwell and Stein.

26. On or about May 21, 2014, Mr. Ackerman created a rough chapter outline of his subsequent book. This outline covered the creation of Tetris and the legal and business battles in Russia

27. By May 23, 2014, Mr. Ackerman had drafted his original book proposal that specifically told the Tetris story based on a Cold War thriller with a political intrigue angle.

28. This proposal would go through a few revisions but the May 23, 2014, version is the earliest version for Ackerman's subject book *The Tetris Effect*.

29. During August to September 2014, Ackerman went through several drafts, but a first sample chapter went to potential publishers as part of the book proposal during this time.

30. Also, during this time, Ackerman exchanged various emails with his literary agent regarding the *Tetris Effect* book and the sample chapter and proposal of the book that would be sent to potential publishers.

31. In these emails, Mr. Ackerman and Ms. Neuhaus discuss the structure of the book, how it could be sold to publishers, and hashed out how Henk Rogers could be the heroic main character as well as emphasizing the international conflict and cold war angle.

32. Henk Rogers became the protagonist in Ackerman's book *The Tetris Effect*, as well as the main character of the *Tetris* movie.

33. By October 6, 2014, Ackerman's agent advised via email as to foreign interest in Ackerman's book.

34. On October 21, 2014, the trade magazine *Publisher's Marketplace* ran a blurb of Mr. Ackerman's book, and noted his book deal with Public Affairs, as well as the title of the book *The Tetris Effect* by Dan Ackerman. See [https://www.publishersmarketplace.com/pm/search?ss\\_q=tetris+effect&ss\\_c=deal](https://www.publishersmarketplace.com/pm/search?ss_q=tetris+effect&ss_c=deal) ("CNET and Spin tech writer Dan Ackerman's THE TETRIS EFFECT, the story of the invention, stealing, and improbable cultural legacy of an abstract but powerfully addictive video game.")

35. By February 2015, Mr. Ackerman arranged interviews with Sean Maggard (PR for Tetris, Inc.) setting up interviews with some of the key players and characters of the *Tetris* story, such as Henk Rogers, Alexey Pajitnov, and Maya Rogers.

36. From April through August 2015, Ackerman conducted most of his key interviews for the book, including those with Henk Rogers, Alexey Pajitnov, Maya Rogers, Minoru Arakawa and Howard Lincoln, all of whom were featured in the book and film as major characters. For instance, on April 14, 2015, Mr. Ackerman held a conference call with Kimi Tsai, Maya Rogers, and Sean Maggard to discuss the book.

37. It should also be noted that not only did the Plaintiff interview these figures for his book, but they and their representatives certainly knew months earlier before their interviews of his intent to reshape the history as a spy thriller with Henk Rogers as a heroic protagonist.

38. A first draft of The Tetris Effect was completed on or about August 2, 2015.

39. In July 2016, Mr. Ackerman's representatives sent the public relations company for Tetris Company, Zebra PR, a pre-publication copy of The Tetris Effect book, which they provided to Tetris Company and Maya Rogers.

40. After having reviewed the entire book that Mr. Ackerman wrote, Ms. Rogers then used Mr. Ackerman's work, for which Defendant Pink developed a screenplay, the contents of which was taken from the book and deceptively made into a film project without Plaintiff's knowledge or consent, which included the lack of any optioning or licensing rights.

41. To further her unlawful conduct, Ms. Rogers had the Tetris Company refused to license any of the Tetris intellectual property, such as its name and image, for any motion picture or television project based on Mr. Ackerman's book, and threatened legal action if Mr. Ackerman continued to pursue any such projects for his own book and creative work.

42. On September 1, 2016, Tetris Company directly sent a strongly worded Cease and Desist letter to an agent for Mr. Ackerman, whose only crime was doing his job, and pursuing film and television opportunities for the critically acclaimed book.

43. As a result of this threatening letter, Mr. Ackerman's agent withdrew from pursuing film and television opportunities.

44. A major source of revenue for a writer, such as Mr. Ackerman, is to option or license their work for film and television. Therefore, Tetris Company was not attempting to halt any dissemination of any alleged copyright infringement, but rather, to have constituted an economic attack on the whole of Mr. Ackerman's business so they could pursue the opportunities presented by Mr. Ackerman's book to the exclusion of Mr. Ackerman's business opportunities without having to credit or fairly compensate him.

45. Numerous film and television producers showed interest in optioning Mr. Ackerman's book for a film or television project. However, they would not proceed with said projects unless The Tetris Company would license its IP for the project.

46. Tetris Company refused to license any Tetris IP for any project associated with Mr. Ackerman's book. This was done at the direction and behest of Ms. Rogers so that she and the Tetris Company could pursue their own project and opportunities based on Mr. Ackerman's book without compensating him.

47. The book "manuscript" of Tetris Effect, was used by Ms. Rogers and Mr. Pink to construct Mr. Pink's screenplay, and presented Mr. Pink's screenplay as his original creation, even though it was clearly based on Mr. Ackerman's book.

48. For instance, in an interview Ms. Rogers gave on or about March 15, 2023 with GameBeat, she stated as follows:

"Somebody mentioned to me that this is the first story going behind the scenes with the people that make this happen." See URL: <https://venturebeat.com/games/tetris-movie-inside-the-great-game-business-deal-of-all-time-maya-rogers-interview/>.

49. Further, in the GameBeat interview, Ms. Rogers confirmed that she was involved with the Tetris movie from the beginning from developing the script and hiring the writer. See URL: <https://venturebeat.com/games/tetris-movie-inside-the-great-game-business-deal-of-all-time-maya-rogers-interview/> (“But from the beginning we were involved, from the script stages and hiring the writers”). Game Beat also asked Ms. Rogers if she had any control “over things like the facts used in the script” to which she replied: “From the beginning we were involved with choosing the writer, Noah Pink.” See *Id.*

50. Moreover, in the Game Beat interview, Ms. Rogers also confirmed that her alleged Tetris project had indeed begun after she received Mr. Ackerman’s book, and after it was published in 2016. For instance, Ms. Rogers stated that “I think it took six years” to make the film. This would mean, that her and Mr. Pink lifted Mr. Ackerman’s book in 2017, and began to adapt it into Mr. Pink’s screenplay at that time.

51. Accordingly, not only did Tetris Company and Maya Rogers infringe on Mr. Ackerman’s copyright, but they actively interfered with his ability to option his book for a TV or film production.

52. The Tetris Effect: The Game That Hypnotized the World, was published on or about September 6, 2016.

53. The book was met with immediate acclaim and was lauded by several prominent publications including the Los Angeles Times Review of Books.<sup>2</sup>

54. On September 17, 2016, the New York Post published a lengthy review of The Tetris Effect titled: “How Tetris broke out of the Soviet Union.” This review again noted the Russian

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<sup>2</sup> See <https://lareviewofbooks.org/article/russian-invasion-on-dan-ackermans-the-tetris-effect/> (“Ackerman doles out intrigue worthy of Robert Ludlum or Tom Clancy. It’s a behind-the-Iron Curtain nail-biter....”)

angle of Mr. Ackerman's book, ELORG, and in a headline how Tetris "became the Soviet Union's greatest commercial export."<sup>3</sup>

55. Other publications such as WIRED, Entertainment Weekly, CNET, CBS this Morning and even the New York Times all covered Mr. Ackerman's book to rave reviews. See e.g.<sup>4</sup>

56. Accordingly, and as the foregoing demonstrates, the Defendants had access and knowledge of Mr. Ackerman's book beginning in October 2014, and seven (7) years prior to the premiere of the Tetris movie. By the time the Tetris movie aired in 2023, The Tetris Effect book, had been widely reviewed, and distributed.

57. On or about March 23, 2023, Mr. Ackerman and others viewed the trailer for Tetris and immediately recognized the substantial similarity with the Plaintiff's book. Apple was alerted as were the other Defendants, of which a cease and desist demanded that the movie not be broadcast until certain legal issues were addressed.

58. Defendants elected to proceed and so on March 31, 2023, the Tetris movie premiered on Apple TV.

59. Following the premiere of the Tetris movie, even more glaring similarities emerged throughout the duration of the film. Below is an exhaustive analysis and examination of the film and book, which outlines the substantial similarities between the two works:

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<sup>3</sup> <https://nypost.com/2016/09/17/how-tetris-broke-out-of-the-soviet-union/>.

<sup>4</sup> See <https://www.wired.com/2016/08/the-tetris-effect-excerpt/>; <https://ew.com/article/2016/05/17/bookexpo-america-2016/>; See <https://twitter.com/danackerman/status/798919608304566272> (Mr. Ackerman tweeted out in regards to the publication of Tetris Effect, and that an excerpt of the book would be published in the subsequent issue of CNET). See also Mr. Ackerman's interview with CBS this morning at: [https://www.youtube.com/watch?v=gSD\\_-uuoCo](https://www.youtube.com/watch?v=gSD_-uuoCo); and a discussion Mr. Ackerman gave on C-Span at: <https://www.c-span.org/video/?414688-1/the-tetris-effect>; and NYT review at:

Movie	Book
<p><b>a. 00:01</b></p> <p>The film opens with the events from chapter 13, <i>Tetris Takes Las Vegas</i>. That chapter (and the movie) explicitly references the connection between Tetris and the Japanese game Go in Henk's mind.</p> <p>The opening shot is the lights and sounds of Las Vegas, transitioning into the interior of the bustling Las Vegas Convention Center during the annual CES (Consumer Electronics Show) trade show, filled with colorful booths, and packed with costumed characters, showgirls, and both businessmen and casually dressed trade show attendees.</p>	<p><b>Page 137:</b></p> <p><i>A cacophony of lights and sounds assaults even the most jaded observer. Long halls extend into the distance, disappearing into a sea of tents, tables, signs, and booths. The high ceilings towering above give the entire space the feel of an airplane hangar converted into a bustling bazaar.</i></p> <p><i>And then there are the people. An endless sea of quivering humanity, tens of thousands packed shoulder to shoulder despite the enormity of the space. Some are dressed for business, jackets and ties straining against the Las Vegas heat. Some are engineers or creative types stuffed into extra-large T-shirts. Most fall somewhere in the middle: men in polo shirts with a company name neatly stitched over the left breast, vacantly staring out from assigned stations at their employers' booths or else wandering the massive halls looking for the elusive next big thing.</i></p> <ul style="list-style-type: none"> <li>• This description of CES from Mr. Ackerman was created by Mr. Ackerman for the book, and is based on his experience from years of going to CES, and what CES was like from Mr. Ackerman's own experience and original expression. This is similar to most of the examples cited within the comparisons of both works.</li> </ul>
<p><b>b. 00:02</b></p> <p>Henk is pushing his video game version of Go, describing it as "It's like chess. Except infinitely harder." Trade show visitors aren't</p>	<p><b>Page 138:</b></p> <p><i>Something Rogers saw at the Spectrum Holobyte booth grabbed his attention. Up on one of the monitors was a simple geometric pattern of blocks, falling from the top of the screen to the bottom. It looked primitive, even</i></p>

especially interested, but there's a big crowd around a nearby booth showing off Tetris.

He's urged over to try Tetris on a PC screen. The game demo is surrounded by people and Henk plays and is mesmerized by the game's simple graphics and controls, later describing it to a business associate.

*for 1988, and seemed to be aiming for some kind of enforced minimalism.*

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*And then, it was his turn. Henk Rogers leaned over the keyboard as the first tetromino fell, using the keys to rotate and drop it. He repeated the process, awkwardly at first, quickly filling the well and topping out of the game.*

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**Page 140:**

*Rogers finally realized why he was so drawn to this strange- looking little program, over all the flashier and more modern-looking games available on the CES show floor. Tetris reminded him of the classic board game, popular in Japan, called Go. In that game, players compete over a series of black and white stones, while in Tetris, you play with simple four-segment shapes in primary colors. Tetris shapes have the same simplicity as the pieces of Go, he thought, yet it has this great depth to it.*

**c. 00:04**

The film refers to Alexy in the unusual fashion of "Alexey Leonidovich Pajitnov" -- with his rarely used middle name. In The Tetris Effect, Alexy is introduced the same way in chapter 2, which is literally titled *Alexey Leonidovich Pajitnov*.

**d. 00:0451**

Alexey is looking at a toy store window of blocks and starts organizing and playing with blocks.

**e. 00:455-00:503**

Alexey is playing with puzzles, and looks mesmerized with the things you could do with them.

**Page 13:**

*Chapter 2: ALEXEY LEONIDOVICH PAJITNOV*

**Page 18:**

In book, Mr. Ackerman describes a substantially similar scene, whereby Alexey could be found in toy shops:

*"Still, even the poorest Russian youth could afford an occasional indulgence, and for Alexey and his friends, a set of pentomino puzzle pieces."*

**Page 19**

The book describes pentomino puzzle solving, and how Alexey was "mesmerized by the shapes and the things you could do with them."

<p><b>f. 00:05</b></p> <p>Henk: His computer, a Stone Age, Soviet piece of crap called an Electronica 60, didn't even have a graphics card. His falling blocks were parentheses pushed together.</p> <p>Mr. Ackerman depiction of the Electronica in his book is used and described in substantially similar was as depicted in Mr. Ackerman's book.</p>	<p><b>Page 15:</b></p> <p><i>Here was a gleaming example of Soviet technology at its most advanced, the Electronica 60, a rack-mountable desktop computer that resembled a clunky piece of mid century stereo equipment.</i></p> <p>***</p> <p><i>Not only was this less than the modern hardware Alexey's state-sponsored explorations into artificial intelligence and other ad- vanced computing topics required but also it was somewhat less than the average early-eighties American middle school student had access to in classroom computer labs.</i></p> <p><b>Page 33:</b></p> <p><i>Re-creating the effect of a pentomino puzzle required some visual sizzle, and the Electronica 60 had no ability to draw even primitive computer graphics.</i></p> <p><i>His initial imperfect solution was to create a stand-in for shapes using the only paintbrush available, the alphanumeric keys on his computer keyboard. Each shape could be approximated using punctuation keys, mostly bracket shapes, in different combinations, carefully coded across multiple display lines. It wasn't pretty, but it worked.</i></p>
<p><b>g. 00: 553</b></p> <p>Robert Stein's character in the film is exactly the same as how he is described in the book:</p>	<p><b>Page 91</b></p> <p>Robert Stein, a central character in the film and book, is described by Mr. Ackerman as:</p> <p>"a bulldog of a man, with a round, fleshy face and large protruding ears." Further, the book also describes him as lacking "refined English charm, and good looks, but he had a seemingly natural salesman's flair that compensated for much."</p>



**h. 00:06**

Henk: But this is the Soviet Union, remember? Nothing gets out easily. It would take an entrepreneur to actually go there and monetize it.

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[Overheard: "Welcome back to Budapest Mr Stein."] Henk: That was Robert Stein. A one-man band based in London, he would travel to eastern Europe looking for licensed games cheaply and then resell them for a profit to the West.

**Page 91:**

*Hungary was the perfect weak spot in the armor of the Soviet bloc. It was Tetris's escape route to the West. But it would take someone who understood both Hungary and Europe, both software and good old-fashioned retail salesmanship. That someone was the first Western businessman to take a serious interest in Tetris, Robert Stein.*

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**Page 93:**

*He traveled to Budapest to scour universities and what few high-tech businesses he could find, searching for native computer programmers and half-decent locally produced software. If anything looked like it might have cross-cultural appeal, he attempted to strike a deal to license it for sale in the UK and other territories.*

**i. 00:09**

Henk: "Hi. Henk Rogers, Bullet-Proof Software. I have a meeting with Hiroshi Yamauchi, your CEO.

**Page 9:**

*Rogers remembered the first time he talked his way into a meeting with legendary Nintendo president Hiroshi Yamauchi. It was 1985, and flush from the relative success of his first*

<p>Receptionist: - Rogers? Not in book.</p> <p>Henk: Oh, okay. I understand, thank you. Could I use your restroom before I go?</p> <p>Henk then talks his way past the receptionist and into the office of Hiroshi Yamauchi.</p>	<p><i>game, The Black Onyx, Rogers wanted nothing more than to make his next project for the hugely popular Nintendo Famicom console, known in the United States as the Nintendo Entertainment System, or NES.</i></p> <p><i>But getting in the door to see a major player such as Yamauchi was next to impossible for a non-Japanese small-time software publisher like Rogers.</i></p>
<p><b>j. 00:19</b></p> <p>The introduction of the Game Boy from Minoru Arakawa to Henk Rogers is substantially similar to Mr. Ackerman's recreation in chapter 16, A Secret Plan, including the multiple references to Nintendo's R&amp;D1 lab. Arakawa rarely gives interviews, but he spoke to Mr. Ackerman at length about his relationship with Henk and related events (as did Howard Lincoln). Mr. Ackerman constructed this scene from his own original research and creative expression of the event to include in the book.</p> <p>Henk: No color screen?</p> <p>Howard Lincoln: Color, you'd need eight batteries instead of four. It's too expensive. This gives you 30 hours of gameplay, all for \$89.</p>	<p><b>Page 168:</b></p> <p><i>Much like Steve Jobs would later do at Apple, Yokoi stripped the mobile device that would become known as the Nintendo Game Boy of anything extraneous, anything that would draw too much battery or processing power or inflate costs. He rolled back the clock on gaming, shrinking the screen, making it monochromatic, and running the entire thing off of four standard AA batteries.</i></p>
<p><b>k. 00:21</b></p> <p>Henk [pitching Tetris as the Game Boy pack-in game in 1989 is substantially similar to Mr. Ackerman's description and creative expression of the event from his book]:</p> <p>Gentlemen, if you want to sell a couple hundred thousand Game Boys to little kids, package them with Mario. But if you want to</p>	<p><b>Page 171:</b></p> <p><i>Of course the legions of adolescent and teenage boys who already worship Nintendo would love a Mario game, Rogers admitted. But, extrapolating out, only those boys will buy the Game Boy if it comes with yet another Mario game in the box. "If you want everyone to play, mothers, fathers, brothers, sisters," he</i></p>

<p>sell millions of Game Boys to absolutely everyone, young and old, around the world, package them with Tetris.</p> <p>The language in the movie is substantially similar to the corresponding scene and language from Mr. Ackerman's book.</p>	<p><i>explained, then Tetris was the perfect game for the Game Boy.</i></p>
<p><b><i>l. 00:26</i></b></p> <p>Chapter 17, <i>The Gathering Storm</i>, closely follows Mr. Ackerman's description of Henk's offer of \$25,000 to Robert Stein for handheld Tetris rights and the latter's cagey response.</p> <p>Stein: Have you ever been in Moscow, Mr. Rogers? Have you ever negotiated with the Soviets? Do you know what it feels like to be in a country where everyone is watching you? No. So, don't tell me what is and what is not complicated.</p> <p>Henk: I'll pay you \$25,000 to secure me worldwide handheld rights.</p>	<p><b><i>Page 178:</i></b></p> <p><i>But the reaction was anything but the quick thumbs-up Rogers expected. Stein said something about having to check with the Russian trade organization he was working with, ELORG, and that he'd be in touch. Attached to Rogers's offer was a hefty \$25,000 advance, and from what he knew about the head of Andromeda Soft-ware, turning down guaranteed cash like that was well outside of Stein's established reputation. Rogers was immediately suspicious.</i></p>
<p><b><i>m. 00:27</i></b></p> <p>Howard Lincoln: Listen, I just heard that Robert Stein is selling handheld Tetris to Atari for \$100,000. Yeah, Atari. You know how much we hate those motherfuckers.</p>	<p><b><i>Page 202:</i></b></p> <p><i>Lincoln, along with the rest of the top tier of executives at Nintendo of Japan and Nintendo of America, was locked in a long-term legal battle with Atari Games and its charismatic leader, Hide Nakajima. Once close allies, but now bitter enemies, the two companies had a falling out over Tengen's attempts to hack a lockout chip system built into Nintendo consoles and games.</i></p>
<p><b><i>n. 00:29<sup>5</sup></i></b></p> <p>Beginning with the "Level 3" section of the film, starting at 00:29, the narrative very closely copies the unique Cold War thriller</p>	<p><b><i>Page 3:</i></b></p> <p><i>The airplane lurched into a final descent toward Moscow...Long blocks of poured concrete high-rises were broken up by</i></p>

<sup>5</sup> The most direct examples of copying appear at 00:29 to 01:38 of the film, as described and discussed herein.

<p>style of The Tetris Effect, including the specific order of events, the unique take on characters and motivations, and the specific order Mr. Ackerman created for the book of how to present disparate events and Mr. Ackerman's personal interpretation of how they played out. Much of this is based on Mr. Ackerman's own creative license, inspired by speaking to the relevant parties and historical research, but with a good deal of original docudrama-style interpretation.</p> <p>The computer-animated plane landing on Moscow and Henk arriving, looking lost amid the classic Russian architecture, including Saint Basil's Cathedral (00:29), mirrors Mr. Ackerman's creative interpretation from pages 3-4 from the book.</p>	<p><i>occasional flashes of brilliance, from Saint Basil's Cathedral to the Triumphal Arch, shadows of the city's history as a hub of art, architecture, and even commerce.</i></p>
<p><b>o. Also at 00:29</b></p> <p>Immediately after, Henk is shown presenting his tourist visa to a suspicious Soviet immigration clerk. She photocopies his passport and passes it off to a soldier, who takes it to some kind of intelligence-gathering room.</p> <p>This scene is substantially similar to the corresponding scene from Mr. Ackerman's book, including a substantially similar interactions between these characters from the book.</p>	<p><b>Page 3:</b></p> <p><i>The paperwork for his tourist visa to Moscow felt heavy in his jacket pocket. Rogers had no doubt that if he was caught lying about his reasons for visiting the USSR, the powerful business interests bankrolling his mission would cut him loose without a thought.</i></p> <p><b>Page 4:</b></p> <p><i>To fly into the heart of the Soviet Union in the late 1980s was to take an uncertain step behind the feared Iron Curtain, a political and psychological barrier that kept 280 million citizens locked away from the Western world. Secret police ears were still everywhere in Moscow during the final years of the Cold War. Visiting tourists, businessmen, and even journalists could expect their phones to be tapped and hotel rooms to be bugged or even to be tailed around town by a boxy Lada sedan, the preferred vehicle of dark-suited government minders.</i></p>
<p><b>p. 00:30</b></p>	<p><b>Page 5:</b></p>

<p>Henk pulls up in a taxi and checks into his rundown hotel, being offered translation and guide services in the lobby and finds an indifferent hotel clerk.</p> <p>This scene is substantially similar to the corresponding scene from Mr. Ackerman's book, including a substantially similar description of interactions between these characters.</p>	<p><i>Rogers flipped through his pages of handwritten notes as the taxi sputtered toward his hotel. Even securing a room reservation had been a minor victory: customer service remained a novel idea in Russia (a situation some would say has changed little in the twenty-five years since).</i></p>
<p><b>q. Also at 00:30</b></p> <p>In the film, Henk asks the clerk about where to find the Soviet agency ELORG, and she blows him off with a fearful denial.</p> <p>This is a substantially similar sequence and scene from the book, including a substantially similar description of interactions between these characters</p>	<p><b>Page 9:</b></p> <p><i>When he asked about a trade group named ELORG, the hotel clerk's fear-tinged blank stare told him all he needed to know. Asking for information, especially about government agencies in 1980s Moscow, was suspect. Locals assumed that if you didn't know something, you weren't supposed to.</i></p>
<p><b>r. 00:31</b></p> <p>Henk meets a translator/guide, who offers to help him find ELORG. He explains that he needs to find ELORG, and after an icy silence, she leads him there in a taxi after understanding that he's not truly a tourist. Finally, they pull up to a large bank of unremarkable office buildings.</p> <p>This scene is substantially similar to the corresponding scene from Mr. Ackerman's book, including a substantially similar description of interactions between these characters.</p>	<p><b>Page 11:</b></p> <p><i>He was soon able to connect with a young woman who worked as an off-the-books interpreter and guide and who claimed to know the directions to any location he wished to visit.</i></p> <p><i>She operated carefully, because private work for foreigners was a sure way to attract the attention of the authorities. After listening impassively to his so far unsuccessful quest for ELORG, she explained to him the concept her countrymen knew as invisible boundaries: Russians weren't allowed to go places they weren't invited.</i></p> <p>...</p> <p><i>Only a few blocks from his hotel, his guide stopped. Cars streamed along a main drag known as Kashirskoye Highway, a winding street that bisected Moscow, running south of the Moskva River. On one side stood Henk Rogers and his temporary traveling</i></p>

	<p><i>companion. On the other, a nondescript government building, identical to dozens just like it that ran several blocks in either direction.</i></p>
<p><b>s. 00:32</b></p> <p>Henk's guide says: "Mr. Rogers, this is not America. Entering a government structure without invite is highly illegal."</p> <p>Henk replies, "Sasha, I didn't travel 5,000 miles to be stopped by a door," as he heads to the ELORG office door.</p> <p>The dialogue and scene from the film is substantially similar to the corresponding dialogue and scene from the book, including a substantially similar description of interactions between these characters.</p>	<p><b>Page 11:</b></p> <p><i>"You don't just show up at a ministry and expect to talk to somebody. You have to be invited," she warned.</i></p> <p><i>But Rogers didn't know how to get invited. And, anyway, here he was.</i></p> <p>...</p> <p><i>Abandoned by his guide, Rogers dodged the light traffic, barely breaking his stride as he pushed open the outer doors to the sparse Communist-era workplace. Just inside the lobby, he stopped the first official-looking person he saw and said, "I want to talk to somebody about Tetris."</i></p>
<p><b>t. 00:34</b></p> <p>Henk pulls a Nintendo Famicom Tetris cartridge from his jacket and shows it to ELORG negotiator Nikoli Belikov. Via the translator, Belikov says, "ELORG never licensed Tetris video game rights to anyone, ever."</p> <p>This scene from the film is substantially similar to the corresponding scene from the book, with a substantially similar description of events as depicted in Mr. Ackerman's book.</p>	<p><b>Page 186:</b></p> <p><i>To drive home that point, Rogers reached into his briefcase and produced the most concrete example he could think of to show his commitment to Tetris, a copy of the game his company had produced for Nintendo's Famicom. It was already a top seller in Japan, where Rogers had successfully sublicensed, to the best of his knowledge, both the PC and home game console rights to Tetris.</i></p> <p>...</p> <p><i>Rogers svideotapeskov's face as he pushed the game box toward him but saw no glint of recognition. What is this? Belikov asked, completely taken off-guard by the Famicom cartridge.</i></p> <p>...</p> <p><i>What was this, Belikov demanded, some kind of pirated version of Tetris, being sold without permission?</i></p>

<p><b>u. 00:34</b></p> <p>Henk shows Belikov the back of the Nintendo Tetris box, complete with copyright information.</p> <p>This scene from the film is substantially similar to the corresponding scene from the book with a substantially similar description of events and interactions between characters as depicted in Mr. Ackerman's book.</p>	<p><b>Page 186:</b></p> <p><i>Of course, this was genuine, Rogers pleaded. The box itself gave copyright credit to both Bullet-Proof Software and ELORG, as required by his sublicense through Tengen and Mirrorsoft, and it even gave a creator's credit to Pajitnov, phonetically spelled there as "Alexey Pazhinov."</i></p>
<p><b>v. Also at 00:34</b></p> <p>Henk goes into a detailed description of how the various rights and sub-rights to the game were licensed. He says, "ELORG licensed the rights to Robert Stein at Andromeda, Andromeda to Mirrorsoft, and Mirrorsoft's representative in Las Vegas to Bullet-Proof Software, which is me."</p>	<p>This scene directly copies the similar description -- also created for narrative/exposition reasons, on <b>Page 165</b></p> <p><i>Robert Stein and Andromeda Software had licensed Tetris for Western and Far East markets from the Soviet Union; Stein had flipped those rights to Mirrorsoft and its sister company, Spectrum Holobyte, both owned by UK media mogul Robert Maxwell; Mirrorsoft had resold various rights, including Japanese PC rights to Henk Rogers and home console and arcade rights to Tengen, the game-publishing arm of Atari Games; and Tengen, while planning to sell Tetris for home consoles in the United States, had also sold the Japanese rights to Sega for arcade machines and to Rogers's Bullet-Proof Software for home consoles.</i></p>
<p><b>w. 00:34-00:35</b></p> <p>Henk also inquires about the video tapes of gameplay he assumed were sent to ELORG of his Nintendo version. Belikov (via the translator): "He says ELORG never licensed Tetris video game rights to anyone, ever. Only the computer game version." and a few seconds later, He denies obtaining a tape and says "this is an illegal copy."</p> <p>This scene from the film is substantially similar to the corresponding scene from the</p>	<p><b>Page 187:</b></p> <p><i>As far as ELORG was concerned, their sole licensor was Robert Stein and Andromeda, and that deal covered nothing but Tetris games for home computers. No arcades, no consoles, no handheld devices.</i></p> <p><i>Wait, Rogers said, you must have seen the videotapes of gameplay footage that each licensee was required to pass up the chain for approval by the people in this very room. Surely there must be some record of that.</i></p>

<p>book with a substantially similar description of events and interactions between characters as depicted in Mr. Ackerman's book.</p>	<p><i>Belikov was hearing none of it. He had seen no videotapes, and he knew of no other deals beyond the first flush of computer games, for which, he added, there was still very little money coming in.</i></p>
<p><b>x. 00:35</b></p> <p>Henk says, "I have my whole life and then some invested in this game." and shortly after, "I convinced my wife to risk our home so that I could afford Tetris video game rights, and now I'm being told I don't have them? If I don't fix this, I'm fucked."</p> <p>This scene from the film is substantially similar to the corresponding scene from the book with a substantially similar description of events and interactions between characters as depicted in Mr. Ackerman's book.</p>	<p><b>Also on Page 187:</b></p> <p><i>Rogers could feel it all slipping away as the seconds ticked by. What was worse, he had two hundred thousand Tetris Famicom cartridges in production, and if the Russians shut him down, his company would be finished. Everything he had built through Bullet- Proof Software was tied up in that inventory.</i></p>
<p><b>y. 00:38</b></p> <p>The conference room scene closely mirrors Mr. Ackerman's version starting on page 183 -- some of Mr. Ackerman's description of that meeting was from his own narrative invention and is copied by the film, followed by Mr. Ackerman's description of the first meeting between Alexy and Henk and their initial rapport.</p> <p>Belikov and Alexey meet with Henk in a wood-lined, sophisticated conference room, along with Russian government suits. Everyone eyes each other warily and with mistrust.</p> <p>Alexey is quiet, staring down at his hands for much of the meeting.</p>	<p><b>Page 183:</b></p> <p><i>Rogers was welcomed back the following morning and led to one of ELORG's ornate conference rooms, filled with an imposing lineup of stone-faced ELORG suits.</i></p> <p>***</p> <p><i>The room he was led into was large enough for dozens of people, easily. In a city where he had seen little but depressing constructivist architecture and strictly enforced Soviet minimalism, the mere existence of this room felt like a genuine state secret. This was his first experience with anything in Moscow that smacked of conspicuous consumption.</i></p> <p><i>Rogers sat at one end of a long table and looked down at the ELORG team at the far end, like estranged spouses sharing a formal</i></p>

	<p><i>dining room. Seated alongside the obvious Soviet cogs was a slim, bearded man, as calm as he was out of place. He was the man no one in the West had spoken directly to outside of a handful of telexes: Alexey Pajitnov.</i></p>
<p><b>z. 00:40</b></p> <p>Henk and Alexey are left alone briefly. Henk compliments Alexey, and they discuss the game's brilliance and the financial situation behind the negotiations.</p> <p>This scene from the film is substantially similar to the corresponding scene from the book with a substantially similar description of events and interactions between characters as depicted in Mr. Ackerman's book.</p>	<p><b>Page 184:</b></p> <p>Rogers and Pajitnov studied each other carefully. If anyone else understood the trials of building a groundbreaking video game almost single-handedly, a project that had almost broken Rogers, it was Pajitnov.</p> <p>***</p> <p>During a recess in the lengthy session, Rogers made the first approach, walking up to Pajitnov, who had been quietly watching as ELORG officials peppered their visitor with questions. Offering his hand, Rogers told the Russian programmer that he was fascinated by Tetris and very glad to meet him at long last.</p>
<p><b>aa. 00:41</b></p> <p>The Soviet bureaucrats discuss the other potential buyers. "Are the other buyers here?" one asks Belikov. "Keep them separated; we are going to beat these capitalists at their own game."</p> <p>This scene from the film is substantially similar to the corresponding scene from the book with a substantially similar description of events and interactions between characters as depicted in Mr. Ackerman's book.</p>	<p><b>Page 184:</b></p> <p><i>Whether the approach worked or not, Belikov still needed this newcomer as leverage against Robert Stein and Kevin Maxwell, each of whom was booked for formal Tetris meetings later that week. Deciding that Rogers was at least legit enough to serve a purpose by turning a two-way runoff into a three-way one, Belikov offered the formal invitation Rogers had been waiting for.</i></p>
<p><b>bb. 00:42</b></p>	<p><b>Page 187:</b></p>

Henk: "If I already stole video game and arcade rights, what would stop me from stealing handheld?"

Translator: "Mr. Belikov inquires as to why you mention arcade rights."

Henk: I bought Japanese arcade rights, too, only to find out that Mirrorsoft already licensed them to SEGA.

Belikov: ELORG never transacted arcade rights to anyone, Henk.

Henk: So you're saying the only version of Tetris you ever licensed was for personal computers? Can I see the contract you signed?

This scene from the film is substantially similar to the corresponding scene from the book with a substantially similar description of events and interactions between characters as depicted in Mr. Ackerman's book.

**cc. 00:43**

Robert Stein waits for Belikov in the hallway. Stein: "Mr. Belikov? I'm Robert Stein. I'm here to shore up contracts for arcade and handheld rights."

Belikov brushes him off and meets with Kevin Maxwell (son of Robert Maxwell). They discuss the Tetris game released by Henk Rogers in Japan.

This scene compresses a few days of meetings but otherwise follows Mr. Ackerman's version of the narrative closely in tone, language and structure.

Maxwell (smarmy): Ah, Mr. Belikov. Thank you very much for agreeing to meet.  
Translator: Mr. Belikov asks, "What is this?"

Rogers explained how he had paid a significant sum to pick up the home console rights for Japan from Tengen. But Belikov didn't budge, insisting he had never heard of Tengen. What's more, he roared, as far as ELORG was concerned, their sole licensor was Robert Stein and Andromeda, and that deal covered nothing but Tetris games for home computers. No arcades, no consoles, no handheld devices.

**Page 164:**

Worse, the arcade machine rights, still a big business at the time, had already been flipped to Sega for the Japanese market, putting them out of Rogers's reach.

**Page 191:**

Robert Stein waited for his meeting with Nikoli Belikov to begin, unaware that he was the center of a Tetris sandwich, following on the heels of Henk Rogers and soon to be ushered out on the street to make way for Kevin Maxwell.

**Page 193:**

While Robert Stein was at his hotel reading over the contract amendment, another visitor appeared at the ELORG offices. Kevin Maxwell was the head of both of the Mirror Group's major software publishers, Mirrorsoft and Spectrum Holobyte...

Meeting with Belikov at ELORG headquarters, Maxwell turned on the mix of charm and power that had worked so well for

Maxwell: Well, I suppose it's Tetris for Nintendo in Japan.

Maxwell denies giving Rogers any Tetris rights, including for Nintendo consoles in Japan.

Translator: So, you are saying that you have never seen this game?

Maxwell: No, I'm saying that we should move on to today's business.

Translator: Do you think it's pirated?

Maxwell: I don't know, maybe?

his father, transitioning from casual chat to demanding a quick settlement of the outstanding issues surrounding rights to Tetris. But Belikov was not going to be cowed by a second-generation tycoon used to getting his way, at least not today.

\*\*\*

Cutting Maxwell off, Belikov slid a red box across the table. Inside it was the Famicom version of Tetris that Henk Rogers and Bullet-Proof Software had published, a game that Belikov had newly become aware of. Just as its appearance from Rogers's briefcase had surprised the ELORG negotiators, this was the last thing Kevin Maxwell expected to see.

Just what is this? Belikov demanded of his guest...Maxwell answered that he had never seen that box or that version of the game before, and he was telling the truth.

\*\*\*

This must be a pirated game cartridge, [Maxwell] calmly explained, because Mirrorsoft was not in the business of selling Nintendo cartridges, and this was exactly why ELORG and Mirrorsoft needed to form a tighter bond, so illegal knockoffs such as this could be stamped out.

**dd.00:44**

Belikov shows Rogers the original contract and Rogers explains the difference between a personal computer and a Nintendo console.

Rogers: Okay, I read the contract and I agree. You never intentionally sold video game rights to Robert Stein. But here's the thing. Okay, this is a Nintendo. And this is a personal computer. What's the difference?

Belikov: No keyboard for Nintendo....

**Page 187-188:**

He proffered the papers to Rogers, and both men scanned page after page until they found the specific section that outlined the rights granted to Stein and Andromeda. The contract clearly referred to Tetris for computers, with no mention of any other gaming platform.

Rogers understood the wording of the contract better than anyone else in the room, having done countless similar deals himself over the years. Yes, it looked like someone along the way had overstepped their bounds or at least

Rogers: Next time, define computers so you can hold onto your video game rights.

**00:48**

Belikov: Is paragraph 40 a more prudent definition of PC computer?

Rogers (reading): "Whereas PC computers consist of processor, monitor disk drive, and keyboard." Yeah, much better.

Belikov meets with Robert Stein and offers him a revised contract that includes arcade game rights, and also a change in the definition of a computer.

Stein: If I sign this contract, then we can discuss handheld rights, yes?

This scene from the film is substantially similar to the corresponding scene from the book with a substantially similar description of events and interactions between characters as depicted in Mr. Ackerman's book.

interpreted the terms of the deal very, very loosely.

In that moment, Belikov decided that Henk Rogers would be brought into the game and given equal standing to ELORG, Mirrorsoft, and Andromeda. He stated that the only valid Tetris contract at that moment was the one between ELORG and Robert Stein and that it was intended to cover Tetris games for computers rather than for home game consoles such as the ones made by Nintendo. Rogers agreed but realized there was still some wiggle room in the language about what exactly was covered by the definition of a computer.

**Page 198:**

Robert Stein missed the entire point of his meetings with ELORG. A subtle change in wording was included in the backdated amendment to the previous year's contract. It read that the deal covered not simply Tetris games on computers but also "PC computers which consist of a processor, monitor, disk drive(s), keyboard, and operating system."

*ee. 00:49 and 00:52*

Henk and Alexey's conversation about the former being invited to the latter's home is from a direct interview that Mr. Ackerman had with Alexey and recounted in the book on page 185, including Alexey showing Henk some of his original programming work and their evolving bond. The film uses the scene in a substantially similar was as depicted in the book.

**00:54**

Alexey: So you are a game designer, Henk?  
Rogers: And a programmer, though I've mostly been doing sales lately.

**Page 185:**

*As the meeting broke up, Rogers and Pajitnov gravitated toward each other. Rogers spoke practically no Russian, Pajitnov just basic English, but the language of programmers and game makers was universal. The two men communicated, haltingly, and Pajitnov ended up as an unofficial tour guide. He led Rogers back to his humble Moscow apartment, where he proudly showed off some of his other software, and they toasted their good fortune at meeting each other the traditional Russian way, with vodka. Both men could sense they were now part of an unspoken alliance,*

Alexey: Pascal or assembler?  
 Rogers: I was gonna ask you the same thing. I like Pascal. Assembler is my go-to.

Alexey shows Rogers some of his old programming, including the original version of Tetris. They end up toasting each other with vodka at a bar.

*although it was not yet clear against whom and for what purpose.*

***ff. 01:06***

The scene of a physical race between Henk and Robert Stein echoes the title and theme of Chapter 1, *The Great Race*, which lays out how Rogers, Stein and Maxwell were literally in a race to get to the ELORG offices first. The scene from the movie uses the description of the scene and chapter from the book in substantially similar ways.

Stein argues over the arcade rights contract with its revised definition of a computer.

Belokov: Mr. Stein, have you read your revised contract?

Stein: Yes, I did. It... It's not fair. You charge far too much for arcade rights. And why should I sign a new contract for the PC rights that I already own fair and square, hmm?

**Page 6:**

During this final week of February 1989, all three men were in a race to Moscow, each aiming to undercut the others and strike a deal worth millions with the increasingly paranoid Russian state for its unlikely prize. Tetris was the most important technology to come out of that country since *Sputnik*.

***Page 198:***

*The next morning, Robert Stein arrived back at the ELORG offices, ready to turn the tide of the negotiations back in his favor by pushing both the amended agreement and his own handwritten deal memo for the handheld and arcade rights at Belikov as a tit-for-tat deal. Belikov looked over Stein's proposed deal, but this was a pretense; the handheld rights were already almost certainly going to Henk Rogers and it was just a matter of seeing which party would end up with the potentially bigger deal for home consoles.*

*But Belikov sensed Stein had been pushed close to his limit, and getting that signed contract amendment was vital for Belikov's plans. We're not ready to sign off on the handheld rights, Belikov told Stein, keeping the idea in play, if just out of reach. But to keep his target intrigued, he dangled something else: rights to the coin-op arcade machine version.*

*Stein knew new Tetris arcade machines were already in operation in Japan and the United*

	<p><i>States, so he needed those rights on paper before someone else nabbed them and left him in a very tight spot. So, fine, he'd sign the amendment for his original Tetris contract and deal with the new penalties for late royalty payments. He was happy to get that outstanding issue nailed down, but less happy when Belikov told him he had six weeks to come up with a \$150,000 advance against arcade game royalties</i></p>
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<p><b>gg. 01:11</b></p> <p>Belikov leads Rogers away from everyone else to discuss the competing deals on offer from Maxwell and Stein.</p> <p>Belikov: You have one week to make an offer for worldwide handheld rights.</p> <p>Shortly after, Belikov admonishes Rogers, saying, "If you knew the risk I'm taking right now..."</p> <p>Belikov: And one more thing: if you would like to make an offer for worldwide video game rights, ELORG is open to deal.</p> <p>The film liberally borrows the scene from the book in substantially similar ways.</p>	<p><b>Page 190:</b></p> <p>Would Rogers be able to make a legitimate bid for the rights to produce Tetris for all home video game platforms in addition to the original handheld rights he requested? Belikov asked. It would be expensive, he warned.</p> <p>More than that, Rogers added, it would make some very big companies very angry, including Mirrorsoft and Tengen, the latter of which was owned by Atari Games, still a major force in the industry.</p> <p>***</p> <p>Belikov liked what he was hearing, at least enough to give Rogers a shot. Excusing himself to prepare for his meetings with the other Tetris suitors, he told Rogers to go back and consult with his Japanese backers and return with an offer. "You have three weeks."</p>
<p><b>hh. 01:14</b></p> <p>Rogers' translator is exposed as a KGB agent. This is a narrative invention that Mr.</p>	<p><b>Page 181:</b></p> <p>Even the guide who had miraculously appeared at the last moment to lead him to this otherwise anonymous government</p>

<p>Ackerman hinted at in the book for dramatic impact. There's no evidence to support this.</p>	<p>building could just mean he was being tracked the entire time</p>
<p><b>ii. 01:23</b></p> <p>The film discusses the obscure world of '80s game console lockout chips and the series of lawsuits between Nintendo and Atari/Tengen and includes Howard Lincoln and Minoru Arakawa. This narrative is only tangentially connected to the Tetris story but recounted in great detail in Chapter 20 of the book, <i>Meet at the Chicken</i>, starting on Page 201.</p> <p>Howard Lincoln: Atari stole our patent. They hacked the NES, now manufacturing and selling our cartridges. Guess what their first game is.[Points to an ad for Tetris from Tengen on the NES]</p> <p>Lincoln: [Reading from a telex] "Henk, ELORG and Mirrorsoft lie. No rights for Tetris were granted.Come back and make offer ASAP." What's he mean, no rights?</p> <p>Rogers: You're looking at Mirrorsoft's contract, which is just a letter of intent that expired yesterday.</p> <p>Rogers: I need you and your checkbooks to get on a plane with me to Moscow ASAP. And tell nobody.</p>	<p><b>Page 201:</b></p> <p>Lincoln, along with the rest of the top tier of executives at Nintendo of Japan and Nintendo of America, was locked in a long-term legal battle with Atari Games and its charismatic leader, Hide Nakajima. Once close allies, but now bitter enemies, the two companies had a falling out over Tengen's attempts to hack a lockout chip system built into Nintendo consoles and games. The system, called 10NES, was put into place by Nintendo to keep tight control over who made games for the NES, and a version of the digital lock-and-key system has been in place on virtually every game system since then, including PlayStation and Xbox consoles.</p> <p><b>Page 204:</b></p> <p>But for now, the push to release new chip-free Nintendo games, including a new NES version of Tetris, continued.</p> <p>For Lincoln and Arakawa, it was galvanizing to hear that Tengen was also mixed up in the Tetris negotiations. Rogers might as well have waved a red cape in front of two bulls.</p> <p><b>Page 206:</b></p> <p>As Lincoln packed, so did Arakawa. But both had to do so in near-total secrecy. Only a handful of trusted advisers knew of their true destination, and most of the staff at Nintendo of America thought their two bosses were going to Japan for typical company business. The reason for the deception was to avoid alerting Nakajima and Atari, whom they were already fighting in court over the lockout chip issue.</p>

<p><b><i>jj. 01:29</i></b></p> <p>The scene closely follows the action and pace of chapter 20, <i>Meet at the Chicken</i>, starting on page 208, including the specific offer of \$5 million for combined rights and Maxwell's failure to match it.</p> <p>Arakawa: Here's our offer for video game and handheld Tetris worldwide.</p> <p>Lincoln: The money's up-front. We'll cover all marketing and manufacturing and give you 50 cents per unit sold on both handheld and video games.</p> <p><b><i>Shortly after:</i></b></p> <p>Robert Maxwell: \$5 million dollars? I am not going to match five million f*cking dollars.</p>	<p><b><i>Page 205:</i></b></p> <p>The pair had Belikov itching to sign the master deal, thanks to the deep pockets of Nintendo and the reported \$5 million minimum guaranteed payment the pair had been authorized to offer.</p> <p>A fax sent on March 15, 1989, gave Mirrorsoft until the next day to respond, and when, as Belikov predicted, no reply came, he indicated to Rogers and Huhs that he was ready to sign the deal.</p>
<p><b><i>kk. 01:34</i></b></p> <p>The Maxwell/Gorbachev scene in the film is invented but is clearly an interpretation of a scene from chapter 21 of the book, <i>A Tale of Two Tetrises</i>, which includes the story of a letter from Robert Maxwell to Gorbachev. That version of the story was personally related to Mr. Ackerman for the book by video game industry vet Phil Adam, who was assigned to hand-deliver the letter to Gorbachev (page 221).</p>	<p><b><i>Page 221:</i></b></p> <p>[Phil] Adam was dispatched to Moscow to shore up that part of the relationship and hand-deliver a royalty check. After originally being denied a chance to negotiate with ELORG in favor of Kevin Maxwell, he was also entrusted with a vital new mission: to personally deliver a letter from Robert Maxwell intended for Gorbachev.</p> <p>But in a comedy of errors, the letter was never signed. Adam waited in vain in England for Maxwell to meet him and sign the letter, but Maxwell instead took off in his private helicopter for a dental emergency. Adam instead went to Moscow empty handed, and when he arrived, the tension at the ELORG offices was obvious.</p> <p>****</p> <p>Robert Maxwell eventually did reach Gorbachev directly, after lodging complaints</p>

	<p>through both the British and Russian governments. But the Soviet leader was too distracted to focus his efforts on a video game...In the end, Gorbachev paid the matter only lip service, famously telling Maxwell that he “should no longer worry about the Japanese company.”</p>
<p><b>ll. 01:38</b></p> <p>A tense standoff between the Mirrorsoft and Nintendo contracts occurs in the ELORG offices.</p> <p>Belikov: This is not a counteroffer. Maxwell: It is our first offer and final offer.</p> <p>Moments later, Rogers, Lincoln and Arakawa burst into the room.</p> <p>Rogers: They can choose your shit deal or our fair deal.</p> <p>This scene from the film is substantially similar to the corresponding scene from the book with a substantially similar description of events and interactions between characters as depicted in Mr. Ackerman’s book.</p>	<p><b>Page 219:</b></p> <p>Back at the ELORG offices, Lincoln saw Belikov was deeply disturbed by something. The Maxwell family had been pushing the Tetris issue with levels of government far above ELORG, and pressure was leading to a lot of uncomfortable questions. “Mr. Lincoln, we’re going to honor our commitment,” Belikov assured him. “We have a contract, and we’re going to honor it.”</p> <p>ELORG telexed both Mirrorsoft and Robert Stein, finally informing them that they “were forced to conclude the contract concerning Tetris for handheld with another firm.” Tetris would indeed be coming to the Game Boy through the license granted to Henk Rogers and sublicensed to Nintendo.</p>
<p><b>mm. 1:52</b></p> <p>The final sequence with Alexey arriving in the US to meet Henk, followed by the "where are they now" biographies of the various players closely resembles the book's final chapter, Epilogue: The Final Bricks, detailing what happened to Henk and Alexey, Robert Stein and Robert and Kevin Maxwell.</p> <p>Henk and Alexey went on to form the Tetris Company.</p> <p>Robert Stein continued licensing games. He never got over losing Tetris.</p>	<p><b>Pages 237-244</b></p> <p>Henk Rogers, however, made millions from Tetris in the first few years after the ELORG deal was signed. Rather than taking his winnings and moving on, he never forgot the bond he formed with Pajitnov in Moscow over nights of vodka and game design talk. In 1991, he helped Pajitnov and his family emigrate to the United States.</p> <p>***</p> <p>Pajitnov and Rogers would form a new organization, today called The Tetris Company, to own and administer the rights to the game, finally giving Tetris’s creator a share of the game’s financial success.</p>

Robert Maxwell stole \$900 million from his companies' pension funds and had debts exceeding \$5 billion, resulting in the collapse of his media empire.

After Robert Maxwell's mysterious death, Kevin Maxwell was arrested in connection with his father's pension theft and declared bankruptcy. He was later acquitted of fraud charges for which he stood trial.

In 2014, Henk appointed his daughter Maya as the new CEO of Tetris.

With over half a billion copies sold, it continues to be one of the most popular games of all time.

\*\*\*

Robert Stein eventually lost even the last slice of PC game rights he had managed to hold on to for Tetris. By his own estimate, he probably made from \$200,000 to \$250,000 from the game, but played a different way, it could have been tens of millions. He largely withdrew from the industry after a 2007 heart attack.

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But beyond being cut out of the loop on a huge global hit, Robert Maxwell had much bigger problems in front of him by the end of 1991. His companies were more than \$3 billion in debt, and he had been forced to sell off strategic assets. Worse, hundreds of millions of pounds from his own companies' pension funds had been illegally siphoned off to support failing parts of his empire and his own lavish lifestyle. The blame for the missing money would fall squarely at his feet.

\*\*\*

A fishing boat about a hundred miles from where the Lady Ghislaine had passed the night before spotted Maxwell's body floating in the Atlantic. The sixty-eight-year-old Maxwell had grown from a handsome war hero to a three-hundred-pound senior citizen with serious heart and lung problems. It took a Spanish helicopter to lift his body from the water.

\*\*\*

Kevin Maxwell was left holding the bag after his father's death and went on trial for fraud over the company's collapse. He was acquitted but soon after filed for the largest personal bankruptcy in British history, with debts of more than 400 million pounds.

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	<p>[Henk's] daughter Maya followed him into the video game business, working for Sony's PlayStation division before taking over as the CEO of The Tetris Company in 2014.</p> <p>***</p> <p>It's hard to overstate the impact Tetris has had on the world over the past thirty years. Sales of authorized copies have brought in nearly \$1 billion to date, with countless millions more pocketed over the years from unofficial versions.</p>
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60. As reflected herein, the Tetris film was substantially similar, and in many examples, the same, as Plaintiff's book, published nearly seven (7) years prior to national coverage. The film liberally borrowed numerous sections and events of the book as described above.

61. If Defendants were to take Mr. Ackerman's book out of the screenplay and film, then there would be no screenplay or film. As demonstrated above, every scene in the Tetris movie was lifted from a corresponding scene or description from Mr. Ackerman's book.

**CAUSE OF ACTION ONE**

**COPYRIGHT INFRINGEMENT**

**(Against All Defendants)**

62. Plaintiff repeats, repleads and incorporates by reference each and every allegation of paragraphs 1 through 61 of this Complaint as though set forth in full herein.

63. As set forth more fully above, in copying Plaintiff's work, Defendants willing and intentionally sought to appropriate Plaintiff's hard work for their own profit without bearing the costs thereof. The time commitment for the development and cost, coupled with the research, interviews, drafting, revisions, and ultimate publication was a substantial investment of time, money and energy for Plaintiff.

64. Defendant sought to realize profit and unjust gains from Plaintiff's work, without investing the same amount of time, money and creative thought, and to take away profits from Plaintiff's work that he would have realized but for their wrongful acts.

65. Plaintiff Ackerman's book is an original work, copyrightable under the Copyright Act. Plaintiff applied and was granted a copyright in his work in 2016. The registration number is set forth in **Exhibit One**. Thus, Plaintiff has exclusive rights and privileges to reproduce, distribute, and license The Tetris Effect for any other medium, including a feature film.

66. Plaintiff has never authorized any of the Defendants, by license or otherwise, to copy, reproduce, distribute, or display any of the copyrighted material from The Tetris Effect book, nor to prepare derivative works based on The Tetris Effect book.

67. Defendants infringed Plaintiff's exclusive rights in The Tetris Effect book by copying, reproducing, and distributing and displaying it and/or derivative works derived therefrom in the Tetris movie without Plaintiff's permission and without compensating him whatsoever.

68. Each infringing copy, duplication, sale, license or display of the Tetris film, constitutes a claim against Defendants under the Copyright Act.

69. Plaintiff has sustained, and will continue to sustain, substantial damage to the value of his copyright in that the previously described activities of Defendants have diminished and will continue to diminish the revenues that Plaintiff would otherwise receive.

70. In addition, Defendants have realized unlawful and unjust profits from the unauthorized and illegal copying of Mr. Ackerman's story, idea and book into their screenplay and film.

71. Defendants continue to infringe the copyrights listed on **Exhibit One**, and unless temporarily, preliminarily and permanently enjoined by Order of this Court, will continue to infringe said copyrights, all to the Plaintiff's irreparable injury.

72. As a direct result of the conduct of Defendants, Plaintiff has suffered and continues to suffer damages in an amount to be determined. For instance, the Tetris film was, upon information and belief, produced with a budget of approximately \$80,000,000.00, which continues to air on Apple TV.

73. Plaintiff was unable to realize any profit or compensation from licensing his work for a film a TV production, or receive any residuals, or other profits and compensation traditionally paid to a writer when his work is licensed or adapted for a screenplay and film.

74. Defendants have committed all of the aforesaid acts deliberately, willfully, maliciously and oppressively, without regard to Plaintiff's proprietary rights.

75. As such, the above described conduct by Defendants constitutes willful copyright infringement under the Copyright Act.

76. As a result of the above described conduct by Defendants, Plaintiff has been damaged in an amount to be proven at trial, but for no less than 3% of the Tetris films total production budget.

77. By reason of the copyright infringement described above, Plaintiff is entitled to recover Defendants' profits to the extent the same are not included as part of Plaintiff's damages.

78. In the alternative, at the election of Plaintiff, Plaintiff is entitled to recover from Defendants statutory damages up to \$150,000.00 per copyright infringed for Defendants' willful copyright infringement, plus attorney's fees and costs.

WHEREFORE, Plaintiff respectfully requests the following relief:

1. Actual and compensatory damages in an amount equal to 3% of the total production budget of the Tetris film;

2. For an Order enjoining Defendants, their officers, agents, employees, and those acting in concert or conspiracy with them, temporarily during the pendency of this action and permanently thereafter from:

- (a) infringing, or contributing to or participating in the infringement by others the copyright in the Tetris Effect book or acting in concert with, aiding and abetting others to infringe said copyright in any way;
- (b) copying, duplicating, selling, licensing, displaying, or distributing the Tetris film (or any derivative works) without properly compensating and crediting Plaintiff;
- (c) That Defendants be required to account for and pay over to Plaintiff the actual damages suffered by Plaintiff as a result of the infringement and any profits of the Defendants attributable to the infringement of Plaintiff's copyright or exclusive rights under copyright and to pay such damages to Plaintiff as to this Court shall appear just and proper within the provisions of the Copyright Act, or, in the alternative, at Plaintiff's election, statutory damages for infringement of each

3. That Defendants be required to account for and pay over to Plaintiff the actual damages suffered by Plaintiff as a result of the infringement and any profits of the Defendants attributable to the infringement of Plaintiff's copyright or exclusive rights under copyright and to pay such damages to Plaintiff as to this Court shall appear just and proper within the provisions of the Copyright Act, or, in the alternative, at Plaintiff's election, statutory damages for infringement of each separate copyright as set forth in 17 U.S.C. § 504;

4. For an award of costs under 17 U.S.C. § 505 or as otherwise provided by law;

5. For an award of attorneys' fees pursuant to 17 U.S.C. § 505;

6. For an award of pre-judgment interest and post-judgment interest in the maximum amount permitted by law;

7. For such other and further relief as the Court deems just and proper.

## **CAUSE OF ACTION TWO**

### **UNFAIR COMPETITION**

#### **(Against MAYA ROGERS, TETRIS COMPANY AND NOAH PINK)**

79. Plaintiff repeats, repleads and incorporates by reference each and every allegation of paragraphs 1 through 78 of this Complaint as though set forth in full herein.

80. As set forth more fully above, Defendants Rogers, Tetris Company and Pink obtained Mr. Ackerman's pre-publication work improperly.

81. As set forth more fully above, Defendants Rogers, Tetris Company and Noah Pink misappropriated the fruit of Plaintiff's labors and expenditures by obtaining access to Plaintiff's creative work and intellectual property through fraud or deception, and abused a confidential relationship.

82. As set forth more fully above, Defendants Rogers, Tetris Company and Noah Pink took and used Plaintiff's creative work and book to compete against the Plaintiff's own use of the same creative work.

83. Ms. Rogers and the Tetris Company also refused to license any Tetris IP related to any film or television projects being pursued or related to Mr. Ackerman's book. This was done so that they could pursue their own film project based upon Mr. Ackerman's book to the exclusion of Mr. Ackerman, and without compensating or crediting him, and so Rogers and Tetris could claim the project as their own original creation.

84. As such, Defendants Rogers, Tetris Company and Noah Pink engaged in unfair competition through fraud or bad faith, and misappropriated the labors and expenditures of Mr. Ackerman for their own unjust and unlawful gain, and at the expense of Mr. Ackerman's own opportunities.

85. Mr. Ackerman suffered damages as a result of Defendants unfair competition.

WHEREFORE, Plaintiff respectfully requests the following relief:

1. Actual and compensatory damages in an amount equal to 3% of the total production budget of the Tetris film;
2. For an Order enjoining Defendants, their officers, agents, employees, and those acting in concert or conspiracy with them, temporarily during the pendency of this action and permanently thereafter;
3. Statutory attorney fees and costs;
4. For an award of pre-judgment interest and post-judgment interest in the maximum amount permitted by law;
5. For such other and further relief as the Court deems just and proper.

### **CAUSE OF ACTION THREE**

#### **TORTIOUS INTERFERENCE WITH BUSINESS RELATIONS**

##### **(Against MAYA ROGERS and TETRIS COMPANY)**

86. Plaintiff repeats, repleads and incorporates by reference each and every allegation of paragraphs 1 through 85 of this Complaint as though set forth in full herein.

87. As set forth more fully above, the conduct of Rogers and Tetris Company tortuously interred with Mr. Ackerman's existing and prospective business relationships with his representation, including threatening to take legal action against his agent if he continued to shop

Mr. Ackerman's own book to option for film and television projects, and refusing to license any Tetris IP for any television or film project related to Mr. Ackerman's book.

88. As a result, not only did his agent withdraw from further representation, but numerous television and film producers that showed interest in optioning Mr. Ackerman's book for a television series or film, could not move forward and were unable to complete a deal to option the book.

89. As such, Mr. Ackerman had a business relationship with a third party, namely, his agent, and various other film and television producers and agents that showed interest in his book and wanted to acquire the rights to it and option the book for a television or film project.

90. Rogers and Tetris Company were obviously aware of these relationships as they even sent a Cease and Desist letter directly to Mr. Ackerman's representation, and refused to license any Tetris IP for any projects associated with Mr. Ackerman's book.

91. Rogers and Tetris Company used dishonest, unfair or improper means, and injured Plaintiff's relationships with his representation as well as various film and television producers and agents.

WHEREFORE, Plaintiff respectfully requests the following relief:

1. Actual and compensatory damages in an amount equal to 3% of the total production budget of the Tetris film;
2. Punitive damages equal to 3% of the total production budget of the Tetris film;
3. For an award of pre-judgment interest and post-judgment interest in the maximum amount permitted by law;
4. For such other and further relief as the Court deems just and proper.

#### **REQUEST FOR JURY TRIAL**

Plaintiff requests a trial by jury on all issues so triable.

Dated: New York, New York  
February 23, 2024

Respectfully submitted,

**THE LANDAU GROUP, PC**

By: /s/ Kevin A. Landau

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